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Attorneys for Counterclaim Defendants Mrs. Fields Franchising, LLC and Mrs. Fields Famous Brands, LLC

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MRS. FIELDS FRANCHISING, LLC,
a Delaware limited liability company,

Plaintiff and Counterclaim Defendant,

v.

MFGPC, INC.,
a California corporation,

Defendant and Counterclaimant,

and

MRS. FIELDS FAMOUS BRANDS, LLC,
a Delaware limited liability company, dba
Famous Brands International; and
PERFECT SNAX PRIME LLC, a Delaware
limited liability company,

Counterclaim Defendants.

**MFF'S RESPONSE TO AFFIDAVIT
OF BRIAN M. ROTHSCHILD OF FEES
AND EXPENSES INCURRED IN
BRINGING MFGPC'S MOTION TO
COMPEL RESPONSES TO
DISCOVERY REQUESTS**

Case No. 2:15-cv-00094-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

Counterclaim Defendants (“Mrs. Fields”) hereby submit this Response to the Affidavit of Brian M. Rothschild of Fees and Expenses Incurred in Bringing MFGPC’s Motion to Compel Responses to Discovery Requests, Dkt. 258 (“Affidavit”).

RESPONSE

Mrs. Fields believes that the hourly rate for attorney fees sought in the Affidavit is excessive and not fair, reasonable, or commensurate with the experience of the attorney who worked in this matter in accordance with standard local rates, nor does the affiant so testify (despite such testimony comprising part of the standard practice for such affidavits in this jurisdiction). However, due to the relatively small amount of attorney fees involved in this particular discovery dispute, Mrs. Fields is not formally objecting to that hourly rate in reference to the Affidavit. Nevertheless, Mrs. Fields reserves the right to make such an objection in response to any future requests for attorney fees by MFGPC, Inc. in this matter.

DATED this 12th day of August, 2020

KIRTON | McCONKIE

By: /s/ Rod N. Andreason
Rod N. Andreason
*Attorneys for Mrs. Fields Franchising, LLC
and Mrs. Fields Famous Brands LLC*

Bijan Amini, Esq. (Admitted Pro Hac Vice)
Avery Samet, Esq. (Admitted Pro Hac Vice)

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2020, a true and correct copy of the foregoing **MFF'S RESPONSE TO AFFIDAVIT OF BRIAN M. ROTHSCHILD OF FEES AND EXPENSES INCURRED IN BRINGING MFGPC'S MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS** was served on the following in the manner indicated below:

Brian M. Rothschild
Parsons Behle & Latimer
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☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail/ECF

/s/Meggan Day